

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTONIO RUSHING,
No. R22961,

Plaintiff,

vs.

**SUSAN KERR, and
DR. MATTICKS,**

Defendants.

Case No. 15-cv-00286-SMY

MEMORANDUM AND ORDER

YANDLE, District Judge:

On March 13, 2015, Plaintiff Rushing, an inmate in the custody of the Illinois Department of Corrections, housed at Robinson Correctional Center, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). By Order dated April 13, 2015, the Court concluded that the complaint, as drafted, failed to state a colorable constitutional claim (Doc. 10).

Plaintiff was directed to file an amended complaint by May 1, 2015 (Doc. 10). He was forewarned that failure to file a proper complaint by the prescribed deadline would result in the dismissal of this action, and that such a dismissal would count as one of his allotted “strikes” under the provisions of 28 U.S.C. § 1915(g) (Doc. 10).

Plaintiff has not filed a complaint and the deadline for doing so has passed. It appears that Plaintiff has abandoned this action.

IT IS THEREFORE ORDERED that pursuant to Federal Rule of Civil Procedure 41(b), this action is **DISMISSED with prejudice** for failure to comply with a court order and

failure to prosecute this action. Furthermore, this action is deemed frivolous for purposes of Section 1915(g); therefore Plaintiff will be allotted a **STRIKE** under the provisions of 28 U.S.C. § 1915(g). Judgment shall enter accordingly and this case will be closed.

IT IS FURTHER ORDERED that Plaintiff remains obligated to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

IT IS SO ORDERED.

DATED: May 22, 2015

s/ STACI M. YANDLE
UNITED STATES DISTRICT JUDGE